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SUBJECT: SUBMISSION FOR 2009 TRAFFICKING IN PERSONS REPORT:
HONG KONG

REF: STATE 132759

¶1. (SBU) Per reftel, the following are post's contributions to the ninth annual Trafficking in Persons (TIP) report for the Hong Kong Special Administrative Region (HKSAR) of the People's Republic of China. (Note: Per instructions, subheadings and answers correspond to questions posed in paragraphs 23-27 of ref. End note.)

¶2. (SBU) Comment: During the reporting period, Hong Kong has seen few practical or legal changes to its continued vigilant and comprehensive approach toward combating human trafficking. The Hong Kong Special Administrative Region Government (HKSARG) remained committed to tackling all aspects of trafficking by continuing to train front-line officers and social service providers, investigate suspected cases and apply relevant laws in the prosecution of trafficking offenses. The HKSARG continued to cooperate closely with local non-government organizations (NGOs) to stretched a high level of victim support services. Despite these robust efforts, the HKSARG resources likely have been strained by the dramatic increase in recent years of Mainland women illegally entering Hong Kong to participate in sex work. As a result, it is possible that a small number of these illegal migrants fit the definition of trafficking victims but are not correctly identified as such by Hong Kong authorities.

¶3. (SBU) Comment (cont'd): Despite efforts to regulate the thousands of foreign domestic helpers (FDHs) from the Philippines and Indonesia working in Hong Kong, reports continued to emerge about a growing number of Indonesian FDHs experiencing varying levels of debt bondage and involuntary servitude. Some FDHs are forced to repay Indonesian recruitment agencies HKD 21,000 (approx. USD 2,700) within the first seven months of employment, amounting to roughly 90 percent of a worker's monthly salary. An unknown number of Hong Kong-licensed employment agencies reportedly participate in this debt scheme by illegally confiscating the FDHs' passports and employment contracts upon arrival and withholding them until the debt has been completely repaid. End comment.

THE COUNTRY'S TIP SITUATION:

¶4. (SBU) The HKSARG, human rights and labor non-government organizations (NGOs), academics and the media maintain a high level of interest and scrutiny on TIP-related issues, and report their findings in an open and accessible manner. Information from this wide range of sources generally has been reliable.

¶5. (SBU) Hong Kong is not a significant point of origin,

transit, and/or destination for internationally trafficked men, women or children. The government reported one trafficking prosecution and one suspected trafficking case during the reporting period. Hong Kong's firmly established rule of law, independent judiciary, highly-trained law enforcement officers, active human rights groups and vigilant press corps contribute to a system in which trafficking cases are reported and investigated, and victims receive appropriate protection and assistance. Women, primarily from mainland China and Southeast Asia, continue to travel to Hong Kong of their own volition to engage in sex work, posing an immigration but not necessarily a trafficking challenge for Hong Kong authorities. However, given the dramatic increase in recent years of mainland Chinese women illegally entering Hong Kong to participate in sex work and the likely strain it has put on immigration and law enforcement resources, it is likely that a small number of these illegal migrants are trafficking victims but are not correctly identified as such by Hong Kong authorities. Overall, our research has not indicated significant changes to the magnitude or scope of human trafficking crimes in Hong Kong.

IC. (SBU) While many women initially come to Hong Kong willingly to engage in prostitution, some are lured by criminal syndicates or acquaintances and deceived about the nature of their future job. Once in Hong Kong, they are forced into prostitution under conditions of debt bondage. Traffickers sometimes hold onto the women's travel documents until debts are paid.

ID. (SBU) Previously documented trafficking cases have typically involved women from poor rural areas of mainland China and Southeast Asia, particularly Thailand and the Philippines.

IE. (SBU) Information from the relatively small number of documented trafficking cases in Hong Kong, information from those cases suggests criminal organizations sometimes facilitate illegal migrants entering Hong Kong with fraudulent documents and/or establishing themselves in the city. A growing body of research indicates most women are approached by acquaintances from their home village/town and promised service industry jobs to include but not limited to waitressing, foot massage, car washing, and cleaning. However, upon arrival, they find themselves forced into prostitution in order to pay back significant debt incurred in coming to Hong Kong.

SETTING THE SCENE FOR THE GOVERNMENT'S ANTI-TIP EFFORTS:

IA. (SBU) The Hong Kong government recognizes its position as an international transportation traffic hub makes it vulnerable to illegal migration and human smuggling, some of which could involve trafficking. It continues to employ stringent and comprehensive measures to detect, prosecute and prevent human trafficking crimes. While trafficking cases continue to be rare, Hong Kong law enforcement agencies have shown a willingness and capability to utilize all relevant laws to prosecute trafficking offenses when identified. Hong Kong laws and law enforcement practices are well-equipped to detect and prosecute various aspects of, and criminal behavior related to, human trafficking.

IB. (SBU) The Security Bureau (SB) has policy responsibility for illegal immigration and TIP and administrative control over the police, customs and immigration departments, which are responsible for enforcing laws that combat trafficking. These law enforcement agencies liaise and cooperate with mainland China and foreign authorities in intelligence exchange on forgery, migrant smuggling syndicates, and related trends. Hong Kong law enforcement agencies continue to be regular participants at international conferences and seminars on transnational crime, immigration control, document fraud, and victim identification. Hong Kong authorities also work closely with Interpol and other law

enforcement agencies in the region on trafficking and illegal migration issues.

-- (SBU) The Joint Investigative Team (JIT) on Human Smuggling, formed in 1998 to take action against organized human smuggling, coordinates Police, Immigration and Customs Department enforcement efforts and maintains links with private sector organizations and with local and international bodies involved in combating human smuggling. They are further tasked with monitoring the implementation of the government's anti-trafficking policies and recommending appropriate strategies and tactical responses.

-- (SBU) The Social Welfare Department (SWD) and the Hospital Authority collaborate to ensure a comprehensive and concerted approach to victim support and assistance. The SWD also carries out public education and awareness campaigns aimed at increasing prevention and detection. The Home Affairs Bureau, Labor Department, and other government departments and bureaus are responsible for various aspects of trafficking in persons. The Hong Kong government also maintains links to the UN High Commissioner for Refugees and the International Organization for Migration, both of which have offices in Hong Kong.

¶C. (SBU) There is no particular limitation on the government's ability to address human trafficking in Hong Kong. A sophisticated legal system, adequate training and funding across the government, and a demonstrated commitment contribute to an effective anti-trafficking regime. However, a dramatic increase in recent years of mainland Chinese women illegally entering Hong Kong to participate in sex work likely has strained immigration and law enforcement resources to a degree. As a result, it is likely that a small number of these illegal migrants are trafficking victims but are not correctly identified as such by Hong Kong authorities.

¶D. (SBU) The Security Bureau (SB) regularly reviews and closely monitors the performance of LEAs in the fight against human trafficking. LEAs are expected to carefully document all cases where trafficking is suspected. The SB monitors daily police reports for confirmed or suspected trafficking cases and seeks further details from the appropriate police unit for follow-up and reporting. When reviewing deportation orders, SB is alert to possible trafficking victims amongst the proposed deportees. The Hong Kong Police (HKP) provides SB with a quarterly "Trafficking in Women" report. At the operational level, Hong Kong Police's Organized Crime and Triad Bureau (OCTB) (the unit responsible for investigating

the most serious trafficking cases) produces biannual reports for the inter-departmental Joint Investigative Team on Human Smuggling.

-- (SBU) The HKG's anti-trafficking efforts are widely publicized on various government websites and shared through participation in numerous regional/international organizations. The HKSARG is a member of the Asia-Pacific Consultations on Refugees, Displaced Persons and Migrants; the Asia-Pacific Economic Cooperation forum; the Bali Process on People Smuggling, Trafficking In Persons and Related Transnational Crime; and INTERPOL.

-- (SBU) The HKSARG consistently responds to post's requests for information in a timely manner.

INVESTIGATION AND PROSECUTION OF TRAFFICKERS:

¶A. (SBU) Hong Kong does not have a comprehensive law prohibiting all forms of trafficking; however, taken together, Hong Kong laws adequately cover the full scope of trafficking in persons. Specific provisions in the Immigration Ordinance (Section 37D of Cap. 115; July 1, 1997), the Crimes Ordinance (Section 129 of Cap. 200; which includes trafficking for prostitution; July 1, 1997), the Stowaways Ordinance (Cap. 83; July 1, 1997) and other

relevant laws enable law enforcement authorities to take action against trafficking in persons. For example, the Crimes Ordinance makes it an offense for a person to take part in "bringing another person into, or taking another person out of, Hong Kong for the purposes of prostitution," regardless of whether the other person consented, knew the purpose, or received any advantage. This offense is punishable by up to 10 years' imprisonment. Additionally, under the Offences Against Persons Ordinance, traffickers who have detained a person against his/her will may be subject to heavier penalties, up to a maximum of life imprisonment. Moreover, under the Organized & Serious Crimes Ordinance, law enforcement authorities can apply for "enhanced sentencing and confiscation of crime proceeds from criminals convicted of such offences."

¶B. (SBU) The Organized and Serious Crimes Ordinance provides special powers of investigation of organized crime, deprives criminals of the proceeds of specified offenses, and allows the courts to impose enhanced sentences for specified offenses, which include human smuggling and forgery of travel documents. The Crimes Ordinance (section 129 of Cap. 200) punishes trafficking to or from Hong Kong for prostitution. The Immigration Ordinance enables enforcement and prosecution to prevent Hong Kong from being used as a springboard for smuggling persons to or through Hong Kong. Specific provisions outlaw (and provide for fines and prison sentences as shown) such activities as: arranging passage of unauthorized entrants into Hong Kong (up to USD 625,000 (HKD 5 million) and 14 years in prison); assisting unauthorized entrants to remain in Hong Kong (up to USD 62,500 (HKD 500,000) and 10 years in prison); carrying an unauthorized entrant on board ship entering Hong Kong (up to USD 625,000 (HKD 5 million) and 14 years in prison); using or possessing a forged, false or unlawfully obtained travel document (up to USD 18,750 (HKD 150,000) and 14 years in prison); and aiding and abetting any person to use such a document (up to USD 18,750 (HKD 150,000) and 14 years in prison).

¶C. (SBU) Hong Kong uses a combination of immigration and labor laws to prosecute labor trafficking and related offenses. Hong Kong's Bill of Rights Article 4 denounces forced and bonded labor. Under the Employment Ordinance (EO), employers who violate contract terms or minimum wage regulations (the latter only applies to foreign domestic helpers (FDHs)) can be fined and imprisoned. Any employer who pays less than the legal minimum wage for FDHs can be fined HKD 200,000 (USD 25,000) and imprisoned up to one year. Traffickers may also be prosecuted for blackmail under the Theft Ordinance (maximum penalty 14 years) or for detaining by fraud or force against a person's will under the Offences Against Persons Ordinance (maximum penalty life imprisonment).

-- (SBU) The Employment Ordinance (Cap. 57; July 1, 1997) regulates the operation of employment agencies (EAs) in Hong Kong. An EA is only allowed to charge job-seekers (including FDHs) a commission of not more than 10% of the first month's wages received upon successful placement. Overcharging is a criminal offense and carries a maximum fine of HK\$50,000 (US\$6,410). The Labor Department (LD) conducts regular inspections and investigates complaints, and sufficient

evidence leads to prosecution. In 2008, LD conducted 1,321 inspection visits to employment agencies. The license of an offending EA may also be revoked upon conviction, and the Commissioner for Labor may: (1) refuse to issue or renew a license, or may revoke a license, if he is satisfied on reasonable grounds that an employment agency is being, or is likely to be, used for unlawful or immoral purposes, or (2) if a person operating or intending to operate an employment agency has, within the preceding five years, been convicted of an offense against a child, young person or woman or of an offense involving membership of a triad society, fraud, dishonesty or extortion (Sec. 53(1)(c)(ii) of Cap. 57). In 2008, the LD refused to issue

-- (SBU) Post continued to hear from several labor

organizations that a growing number of Indonesian FDHs face varying levels of debt bondage conditions in Hong Kong. As reported last year, some FDHs are forced to repay Indonesian recruitment agencies HKD 21,000 (approx. USD 2,700) by deducting up to 90 percent of a worker's monthly salary. While this debt is imposed by recruitment agencies operating in Indonesia and beyond the jurisdiction of Hong Kong laws, it has been reported the Hong Kong-licensed employment agencies are complicit in this debt scheme. Hong Kong agencies reportedly confiscate the FDHs' passports and employment contracts upon arrival and withhold them until the debt has been repaid. One contact reported Hong Kong police often will help Indonesian FDHs who have escaped abusive environments to retrieve their passports from the employment agencies but do not go the additional step of prosecuting the EAs for this illegal practice. Additionally, local contacts have reported the continuing practice of underpaid wages, with some FDHs receiving as little as HKD1800 (USD 234), roughly equivalent to half of the legally mandated minimum monthly wage of HKD 3,580 (USD 465). A recent study by Caritas Community Development Service showed approximately 12 percent of the 464 Indonesian domestic helpers interviewed said they were paid a monthly salary of HKD 1,800 to HKD2,000.

-- (SBU) The HKG contends FDHs are required to sign a standard employment contract prior to their being granted permission to work in Hong Kong, and should therefore be fully aware of their rights and obligations prior to arriving in Hong Kong to commence employment. In addition, the Labor Department (LD) publishes special guidebooks/leaflets in various languages (such as Tagalog, Indonesian and Thai) in addition to English to distribute to FHDs at the airport, LD offices, and the Immigration Department, and 18 district offices of the Home Affairs Department. FDHs also have full access, free-of-charge, to the services of the LD (such as their 24-hour inquiry hotline and individual consultations) and legal channels to seek redress, should their labor rights be infringed. Employers who fail to pay wages or other statutory entitlements in accordance with the Employment Ordinance may be prosecuted. Once convicted, the maximum penlty is three years of imprisonment and a fine of HK\$350,000 (US\$44,872).

ID. (SBU) Under the Crims Ordinance, rape (Section 118 of Cap. 200) and on-consensual bugery (Section 118A of Cap. 200) re serious offences which carry a maximum penalty f life imprisonment. For other forcible sexual ssault offences, such as buggery with a mentallyincapacitated person (Section 118E of Cap. 200); indecent assault (Section 122 of Cap. 200); abduction of an unmarried girl under 16 (Section 126 of Cap. 200); detention for intercourse or in a vice establishment (Section 134 of Cap. 200); use, procurement or offer of persons under 18 for making pornography or for live pornographic performances (Section 138A of Cap. 200) carry penalties ranging from 10 to 14 years imprisonment.

IE. (SBU) Trafficking cases continue to be rare in Hong Kong. This year, the Hong Kong Security Bureau reported trafficking charges brought against six suspects, five of which faced trials during the reporting period. One suspect was found guilty of trafficking, and four were found guilty of related offenses. These resulted from a covert Hong Kong police operation in early 2007 against syndicates suspected of trafficking females from Hong Kong to various overseas locations for sexual exploitation. Five undercover female officers attended "job" interviews after responding to newspaper advertisements posted by a suspected vice syndicate. After the syndicate offered the officers jobs abroad in the sex industry, Hong Kong police arrested seven suspects who were all Hong Kong residents. Six of the seven suspects were charged with the offences of "causing prostitution of another person" under section 131 of the Crimes Ordinance and "trafficking in persons from Hong Kong"

under Section 129 of the same ordinance. One suspect absconded while on bail.

-- (SBU) Five of the suspects had District Court trials between December 2008 and January 2009. Four defendants were convicted for "causing prostitution of another person" and given imprisonment terms ranging from eight to 20 months. One defendant was convicted of "trafficking in persons from Hong Kong" and sentenced to 36 months' imprisonment.

-- (SBU) In another case, Hong Kong police and immigration officials in April 2008 launched an investigation against suspected illegal human smuggling. A 51-year-old female Hong Kong resident was arrested for arranging and facilitating female mainland Chinese illegal immigrants into Hong Kong for prostitution. She was eventually charged with "living on earning of prostitution" and convicted and sentenced to four months' imprisonment, suspended for 18 months.

-- (SBU) While the Labor Department (LD) did not provide details of each individual case, they reported 54 convicted summonses were issued against employers of FDHs for breaches of the Employment Ordinance in 2008. The LD also refused to grant an employment agency license to an applicant who had a conviction record of "common assault" under the Offences Against the Person Ordinance in which the victim was a FDH.

F. (SBU) Police officers at all levels continue to receive training on detection, investigation and prosecution of all criminal offenses, including human trafficking. Front-line officers, in particular, are trained in identification of suspected trafficking victims, suspicious visitors and illegal immigrants as well as handling of trafficking victims. The Organized Crime and Triad Bureau (OCTB), with the highest level of expertise, training and investigative experience, investigates the most serious trafficking cases. OCTB officers regularly participate in international conferences to exchange ideas and learn best practices in combating trafficking.

-- (SBU) Immigration officers have received training on core investigative techniques, including the key skills of interview and interrogation necessary to detect potential trafficking cases. In 2008, representatives from the police and immigration departments actively participated in various regional and international conferences/seminars on human trafficking. Police officers attended the 3rd, 4th, and 5th Asian Organized Crime Expert Group held respectively in Singapore, Macau SAR and Malaysia. The Immigration Department participated in the Bali Process Workshop on People Smuggling: Threat Assessments and Risk Analysis, the 14th Pacific Rim Immigration Intelligence Conference and the Seminar on Immigration Control 2008. At the conferences, the Hong Kong participants shared their experience and knowledge in the areas of law enforcement, policy and legislation to prevent, intercept and disrupt human trafficking and related crimes.

G. (SBU) As a holdover from its colonial days under British rule, Hong Kong's law enforcement agencies maintain strong links with overseas counterparts and international bodies. Hong Kong authorities also maintain close cooperation with their mainland counterparts. Hong Kong actively works with other governments in the areas of: joint investigations and enforcement; liaison and intelligence exchange; provision of evidence under Mutual Legal Assistance; and arrest and extradition, where applicable.

-- (SBU) During the reporting period, Hong Kong immigration and U.S. Customs and Border Control cooperated to disrupt a child smuggling ring that resulted in the arrest of two Taiwan residents for illegal smuggling. Hong Kong authorities became suspicious of the two Taiwan travelers when they were transiting Hong Kong enroute to the United States, and decided to inform U.S. immigration officials. Armed with the information from the Hong Kong authorities, U.S. officers were able to arrest the suspected smugglers upon arrival in the U.S.

-- (SBU) In late 2008, Hong Kong's Anti-Illegal Migration Agency (AIM) launched a tripartite partnership with French

and Dutch immigration authorities to interdict suspicious travelers routing through the three airports. An operation conducted in January 2009 saw 14 people arrested for alleged document fraud and illegal migration activities.

IH. (SBU) Hong Kong remains fully committed to international law enforcement cooperation, and has been expanding its network of bilateral agreements on legal cooperation with other jurisdictions. Hong Kong currently has extradition

agreements with fourteen countries for the surrendering of fugitives, including for trafficking crimes. As of July 2008, agreements had been signed (but had not come into force) with an additional three countries. No extraditions related to trafficking occurred during the reporting period.

II. (SBU) No evidence or accusations of government involvement in or tolerance of trafficking on any level emerged during the reporting period.

IJ. (SBU) No evidence or accusations of government involvement in or tolerance of trafficking on any level emerged during the reporting period.

IK. (SBU) Prostitution itself is not a crime in Hong Kong. However, a wide range of provisions under the Crimes Ordinance target the exploitation of prostitution in any form. Illegal activities include: solicitation and advertising sex services, living off the earnings of prostitution of others, keeping a vice establishment, leasing premises for use as a vice establishment, and permitting premises to be used for prostitution. All in all, those who arrange, organize or live off others' prostitution are prosecuted.

-- (SBU) Although a legal minimum age for prostitution is not specified in Hong Kong laws, sexual intercourse with girls under the age of 13 and 16 are crimes under sections 123 and 124 of the Crimes Ordinance, respectively. Causing, encouraging, arranging, or procuring girls or boys under age 16 for prostitution or sexual intercourse are also crimes under Section 135 of the Crimes Ordinance.

IL. (SBU) Because of its status as a Special Administrative Region of the People's Republic of China with no military of its own, Hong Kong does not contribute troops to international peacekeeping efforts.

IM. (SBU) Hong Kong does not have an identified problem of visitors coming to Hong Kong for child sex tourism.

PROTECTION AND ASSISTANCE TO VICTIMS:

IA. (SBU) The HKP has special units to provide protection for victims and witnesses, and have established procedural guidelines on handling cases involving vulnerable witnesses and victims. Officers responsible for handling these sensitive cases receive special training. Past trafficking cases indicate Hong Kong law enforcement provide these protections in practice. For example, in 2007, Hong Kong police provided protection for six Filipino trafficking victims throughout the course of the investigation and trial in which they testified. The police also traveled to the Philippines to meet with relevant government departments to discuss how to ensure the safety of the victims and their reintegration into society. After the conviction of their two traffickers, the HKP escorted the victims to the airport where Philippine consulate officials met them.

IB. (SBU) Six government-subsized NGO shelters serve victims of violence, abuse or exploitation, including trafficking victims. These centers provide temporary free accommodations and counseling. Child trafficking victims can be admitted to several refuge centers specifically equipped to provide temporary services for children.

-- (SBU) In 2007, the HKSARG established the Multi-purpose Crisis Intervention and Support Center (also operated by an NGO with government subsidy) to provide 24-hour assistance to victims of sexual violence, including victims of trafficking.

The Center provides on-the-spot counseling to the caller, immediate crisis intervention, and links the victims to social service providers. The Center also has a dedicated phone line for law enforcement and social welfare providers to reach the Center. Starting in May 2008, the Center began providing short-term housing, taking in victims on a 24-hour basis. So far, the Center has not received any trafficking victims.

¶C. (SBU) The Social Welfare Department (SWD) and local NGOs offer a wide range of services to victims of trafficking, as well as other categories of victims and persons in need. Government-funded services -- by social welfare agencies and through NGOs -- including welfare and psychological assistance, as well as access to legal and medical services, are available to all trafficking victims. The Government-funded Family Crisis Support Center, operated by a local NGO, provides 24-hour support for victims. The Center

offers counseling, a resource center, hotline service and referrals to community groups. Services provided by the center include short-term emergency intervention with accommodation, counseling, hotline service, a resource corner and self-learning facilities, referrals to community support services, etc.

-- (SBU) The Hong Kong Hospital Authority provides public medical and clinical psychological services to trafficking victims, who enjoy the same rights as other patients. The Department of Health operated Female Social Hygiene Clinics, which offered free services to all female sex workers without asking about their legal status in Hong Kong.

-- (SBU) Trafficking victims suspected of having committed offenses, such as a breach of condition of stay or use or possession of fraudulent travel documents, are offered food and basic necessities free of charge during their detention. They are entitled to apply for free legal aid in both civil and criminal cases, as well as free medical treatment as necessary. Recognizance in lieu of detention may be granted to such victims, taking into consideration the circumstances of each individual case.

-- (SBU) For vulnerable witnesses and victims of child abuse, the SWD carries out joint investigations with the police according to a set of handling guidelines. Clinical psychologists are involved whenever necessary. The SWD has maintained a Witness Support Program since 1996 for vulnerable witnesses since 1996. This program provides practical assistance and emotional support to reduce the fear and anxiety of the vulnerable witnesses during court proceedings. The Witness Support program allows child victims of trafficking to give evidence through recorded video interviews or by live television link. A woman who agrees to testify as a witness for the prosecution of a trafficker is as a rule granted immunity from prosecution herself; other forms of cooperation may be taken into account in mitigation of any sentence she might receive.

¶D. (SBU) All trafficking victims are entitled to the short-term assistance and social services mentioned immediately above. Victims who are illegal immigrants or overstayers without legal rights to land or remain in Hong Kong are required to leave Hong Kong in accordance with immigration laws. Whether a person is permitted to remain in Hong Kong depends on his/her eligibility under the prevailing immigration policy and individual circumstances.

¶E. (SBU) Please see response immediately above. While some victims may eventually be repatriated to their home country, past cases have shown Hong Kong authorities actively liaise with the receiving country on reintegration issues.

¶F. (SBU) As mentioned above, the government-funded

Multi-purpose Crisis Intervention and Support Center has a dedicated phone line for law enforcement authorities' use. The SWD and police have an established set of guidelines for joint handling of the investigation process and support services for cases involving vulnerable witnesses and victims of child abuse.

I.G. (SBU) The HKSARG reports no trafficking victims were identified during the reporting period.

I.H. (SBU) Although prostitution is not illegal in Hong Kong, other activities related to prostitution, such as keeping a vice establishment, allowing premises to be used as a vice establishment, arranging for and organizing others' prostitution, living off others' prostitution, controlling persons for the purpose of unlawful prostitution or sexual intercourse, are offenses. Possible trafficking victims arising from police operations, investigations and reports are carefully interviewed to determine if they are victims of trafficking and better understand the mechanism, trends and people involved in trafficking crimes.

I.I. (SBU) Trafficking victims suspected of having committed offenses, such as a breach of condition of stay or use or possession of fraudulent travel documents, are offered food and basic necessities free of charge during their detention. They are entitled to apply for free legal aid in both civil and criminal cases, as well as free medical treatment as necessary. Recognizance in lieu of detention may be granted to such victims, taking into consideration the circumstances of each individual case.

-- (SBU) A woman who agrees to testify as a witness for the prosecution of a trafficker is as a rule granted immunity from prosecution herself; other forms of cooperation may be

taken into account in mitigation of any sentence she might receive. Ultimately, the Department of Justice (DoJ) has the discretion not to prosecute if prosecution is not in the public interest.

I.J. (SBU) HKSARG policy is to encourage victims to assist in the investigation and prosecution of trafficking cases, although in practice victims are rarely willing to do so. Specifically, victims are encouraged to provide information on syndicated arrangements to facilitate investigations with a view to discovering and apprehending the culprits.

-- (SBU) Depending on the circumstances and nature of a case, a victim may initiate civil proceedings for damages or compensation arising from injuries sustained as a result of the unlawful or wrongful act of the trafficker. Such a claim or legal action is a civil action involving determination of civil rights and liabilities between two private parties.

-- (SBU) To ensure no one with reasonable grounds for taking or defending a legal action in the Hong Kong courts is prevented from doing so due to lack of means, legal aid is granted to any person, whether resident or non-resident, who satisfies the criteria for legal aid, namely the means test and the merits test. Civil action filed by trafficking victims against the traffickers is not an exempted or an excepted category. According to the Legal Aid Ordinance and the Legal Aid in Criminal Cases Rules, legal aid will only be granted for legal representation in either civil and criminal proceedings. Legal aid is not available for legal advice or other forms of general legal assistance if no legal proceeding is involved.

I.K. (SBU) Front-line police and immigration officers receive intensive training on investigation and interview techniques, victim identification, document forgery, and other areas related to illegal migration and trafficking activities. Although Hong Kong's social service workers are already highly-trained expert providers, they receive enhanced training on handling child victim cases through in-service programs, including joint training with police officers and clinical psychologists. The SWD also advises other

departments on victim assistance and support upon request.

-- (SBU) The HKSAR does not operate overseas embassies or consulates. Hong Kong authorities, however, maintain close cooperation with relevant overseas contacts through government-funded Economic & Trade offices. Hong Kong LEAs also actively cooperate with INTERPOL.

1L. (SBU) Hong Kong is not a point of origin for internationally trafficked women, men or children.

1M. (SBU) Various international NGOs involved in the promotion of the rights of sex workers and/or migrant workers provide varying levels of support to trafficking victims. International Social Service (ISS), with HKSARG consent, deploys Information Ambassadors (IAs) to meet every incoming flight from Southeast Asia that lands in Hong Kong from 9 a.m. to 9 p.m. The IAs distribute HKSARG-funded information kits produced in several of the most commonly-spoken Southeast Asian languages to passengers identified as potential victims of trafficking or other exploitation. ISS runs a hotline, provides interpretation, medical and counseling services, and help arrange for shelter and access to legal counsel. In conjunction with HKP, ISS conducts actual pick-up and rescue of a victim at point of escape. Other NGOs such as Zi Teng, Action for Reach Out, International Organization for Migration assist and support sex workers and migrants in Hong Kong.

PREVENTION:

1A. (SBU) The Hong Kong government continued to publicize its anti-trafficking activities on various government websites and in outreach materials that are aimed at potential trafficking victims.

-- (SBU) The Labor Department (LD) organized briefings and mini-exhibitions on the rights of workers provided in the Employment Ordinance (EO). Information kiosks were set up in areas frequented by FDHs in which pamphlets and videos in English, Tagalog, Indonesian, Thai, Sri Lankan and Chinese were distributed. LD also broadcasted an informational video for FDHs at visa-issuing offices of the Immigration Department.

1B. (SBU) The HKSARG devotes a significant amount of resources

to monitoring immigration and emigration activities, to include evidence of trafficking. Law enforcement authorities have continued to apply stringent measures to screen for trafficking victims and suspected trafficking cases among visitors and illegal immigrants along borders. The authorities have several screening opportunities during secondary examinations at control points or debriefing sessions, and potential victims also have ample opportunities to report their status. Immigration, customs and police departments are all well-trained and equipped to detect and investigate trafficking-related criminal activities and arrest the perpetrators. The government conducts regular training on the use of specialized equipment, such as mobile x-ray vehicle scanning systems, to inspect outbound containers, and facial recognition equipment to help verify the identity of new arrivals.

-- (SBU) Enforcement actions against illegal migration have been stepped up over the last decade to prevent Hong Kong from being used as a springboard to smuggle illegal migrants overseas. Hong Kong's Anti-Illegal Migration Agency (AIM), comprised of a Tactical Intelligence Group and an Airport Investigation Group, uses professional and sophisticated intelligence analysis mechanisms in concert with local, Mainland, and foreign counterparts to counter illegal migration and prevent Hong Kong from being abused as a transit point by human traffickers. An 882-officer Border Division patrols the border fence 24 hours a day using advanced technology equipment. The Customs and Excise

Department has stationed a total of 2,300 officers at Hong Kong International Airport, boundary points, major container terminals, and the waters off Hong Kong, specifically to combat human smuggling and the transporting of illegal migrants.

-- (SBU) AIM officers employ a four-tier operational model for investigating trafficking or other illegal migration cases. AIM officers profile suspicious travelers for spot-check and interception. For any case of interception that may not warrant immediate criminal investigatory actions, AIM officers send out a Suspicious Passengers Alert (SPA). An SPA details the traveler's profile and onward itinerary through an established law-enforcement intelligence network to the authorities stationed at the next and subsequent ports of transit/entry. These alerts provide notice and warning for subsequent monitoring of movements and for possible detection of foul play, including involvement in trafficking activities. In 2008, over 621 SPAs were issued.

I.C. (SBU) The Joint Investigation Team (JIT) serves as Hong Kong's principal forum for regular internal communication on matters relating to human trafficking, coupled with the involvement of other departments, including the Social Welfare Department. The HKSAR government has stated that it is "confident that internal communication on human trafficking matter is free from obstacles." There are also frequent contacts between the HKSARG and outside relevant stakeholders, which allow seamless communication on international and multilateral levels.

-- (SBU) The HKSARG's law enforcement agencies work closely with mainland, Macau and foreign counterparts and have developed an effective information and intelligence sharing channel to obtain a more complete picture of smuggling, trafficking and other illegal migration networks. To facilitate the timely exchange of information and intelligence, they maintain close and frequent contact with their counterparts including consular missions accredited in Hong Kong, as well as mainland Chinese authorities. Various parties share information alerts and bulletins, including those related to anti-trafficking efforts. For example, the Immigration Department participates in regular meetings with local consulates to share information of mutual interest. These monthly "SCAN" meetings are attended by representatives from the Consulates of the US, UK, Australia, New Zealand, Canada, France, Netherlands, Israel and Japan, the Macau Special Administrative Region and the Immigration Department. Assessments of anti-trafficking efforts have been shared among interested parties through meeting minutes or related correspondence.

I.D. (SBU) Under the overall policy guidance of the Security Bureau, Hong Kong LEAs have been working in a coordinated manner to address all aspects of combating human trafficking: investigation and prosecution, protection and victim assistance, and prevention. The JIT has primary responsibility for monitoring all aspects of human trafficking and proposing appropriate strategies and tactical responses. The JIT and SWD are the key players in institutionalizing the government's anti-trafficking plan, and meet regularly to discuss overall efforts to combat trafficking, improve public outreach, and enhance victim support services.

E: (SBU) The HKSARG did not undertake any specific measures to reduce the demand for commercial sex acts.

I.F. (SBU) Although Post is not aware of any specific measures specifically aimed at reducing the participation of Hong Kong residents in international child sex tourism, Hong Kong residents have not previously been identified as participants in such activities.

I.G. (SBU) Question is not applicable to Hong Kong.

I4. (U) Post point of contact is Poloff Lisa Tam, tel: (852)

2841-2139, fax: (852) 2526-7382, email: TamLY@state.gov.

¶5. (U) Hours spent on drafting this report cable:

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DONOVAN